

BOARD OF APPEALS CASE NO. 4973

\*

BEFORE THE

APPLICANT: Hosanna A.M.E. Church

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ZONING HEARING EXAMINER

REQUEST: Extension of non-conforming  
building to construct an addition in the  
AG District; 2418 Castleton Road,  
Darlington

\*

OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 9/22/99 & 9/29/99

HEARING DATE: November 17, 1999

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Record: 9/24/99 & 10/1/99

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Hosanna A.M.E. Church, is requesting an extension of a non-conforming building, pursuant to Section 267-21 of the Harford County Code, to construct an addition to the existing church facility.

The subject parcel is located at 2418 Castleton Road in the Fifth Election District. The parcel is identified as Parcel No. 75, in Grid 3-C, on Tax Map 20. The Church owns approximately 2 acres, all of which is zoned Agricultural.

Reverend John Brown appeared and testified that he has been Pastor of Hosanna A.M.E. Church for approximately 9 years and that the Applicant is requesting an extension of a non-conforming use in order to construct a one-story addition with dimensions of 22 feet by 16 feet. The Applicant said that the addition will be used as office space for the Church and that approval of the extension will not change the use but will allow the Church to function more efficiently. He said the addition will not come closer to Castleton Road than the existing facility. Reverend Brown testified that the Church is approximately 4,100 square feet and that the proposed addition is 264 square feet and that the addition and the Church will not exceed the coverage regulations for impervious surface and that the addition will be one-story.

Reverend Brown went on to testify that he did not feel approval of the extension would adversely impact adjacent properties, surrounding neighborhood, and traffic patterns because the addition was for office space to allow the Church to function more efficiently. Reverend Brown further explained that he did not feel approval of the variance would impact the "Limitations, Guides and Standards" set forth in Section 267-9(l).

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Mr. Anthony S. McClune, Manager, Division of Land Use Management, for the Department of Planning and Zoning, appeared and testified that the Staff has reviewed the Applicant's request and found that the Hosanna A.M.E. Church is one of Harford County's Registered Landmarks. Mr. McClune went on to testify that after the Staff had reviewed the request, the Department of Planning and Zoning considers the addition to the Church to be minor in nature and that the Staff recommends conditional approval.

### **CONCLUSION:**

The Applicant is requesting an extension of a non-conforming building, pursuant to Section 267-21 of the Harford County Code, to construct an addition to the existing facility.

Section 267-21 provides:

"The Board may authorize the extension or enlargement of a nonconforming use, with or without conditions, provided that:

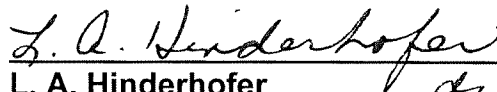
- A. The proposed extension or enlargement does not change to a less-restricted and more-intense use.
- B. The enlargement or extension does not exceed fifty percent (50%) of the gross square footage in use at the time of the creation of the nonconformity.
- C. The enlargement or extension does not violate the height or coverage regulations for the district.
- D. The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.
- E. The limitations, guides and standards set forth in Section 267-9(l), Limitations, guides and standards, are considered by the Board."

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The uncontradicted evidence was that the extension or enlargement will not change the Church use to a less restrictive and more intense use, that the proposal will not exceed 50% of the gross square footage in use at the time of the creation of the non-conformity, that the enlargement will be one-story and will not violate the coverage regulations for the district. No evidence was introduced that the enlargement or extension would adversely affect adjoining properties, traffic patterns or the surrounding neighborhood, nor was evidence introduced that the Applicant's request would adversely impact the "Limitations, Guides and Standards" set forth in Section 267-9(I).

Therefore, it is the recommendation of the Hearing Examiner that the requested extension or enlargement to construct a one-story addition with dimensions of 22 feet by 16 feet be approved, subject to the condition that the Applicant obtain all necessary permits and inspections for the addition.

Date DECEMBER 13, 1999

  
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L. A. Hinderhofer  
Zoning Hearing Examiner